COURT NO.5

Civil Writ Petition no.1189 of 2002

Kesar Ram ----------Petitioner

Versus

State of Uttaranchal and others ----------Responfents

Hon'ble M.M.Ghildiyal J.

Heard Ms. Menka Tripathi, learned counsel for the petitioner.

Against the order dated 29.11.1999 passed by the Ban Panchayat Adhikari, Didihat, district Pithoragarh, the petitioner has filed revision, which was dismissed on 11.02.2002. Against the order-dated 11.02.2002 the petitioner has filed recall application, which has also been dismissed by the Additional Commissioner, Kumaon Region, Nainital by order dated 24.8.2002. The learned counsel for the petitioner has conceded that against the order dated 29.11.1999 passed by Ban Panchayat Adhikari, Didihat, district Pithoragarh proper remedy is to file appeal. The Additional Commissioner while dismissing the revision has given finding that the revision is not maintainable. The petitioner may file appeal against the order dated 29.11.1999 passed by Ban Panchayat Adhikari, Didihat, district Pithoragarh and the appellate authority shall entertain the appeal after considering the application for condoning the delay in view of the fact that the petition has approached wrong forum.

With these observations the writ petition is disposed of finally.

29.11.2002
MPS **(M.M.Ghildiyal J.)**